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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,824	07/27/2000	Seok-Hyo Park	678-517 (P8784)	9607

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EXAMINER

TRINH, TAN H

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/626,824

Applicant(s)

PARK, SEOK-HYO

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7-27-2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 7 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention Kawashima (U.S. Patent No. 5,201,068).

Regarding to claims 1 and 7, Kawashima teaches a method for adjusting the volume level of communication voice in a cellular phone, comprising the steps of: registering a first voice command (“UP”) for commanding the cellular phone to raise the volume level; registering a second voice command (“DOWN”) for commanding the cellular phone to lower the volume level; and raising or lowering the volume level, respectively, in response to said first or said second voice command inputted to said cellular phone (see figs. 2 and 9, col. 1 lines 53-67, col. 2 lines 9-27, col. 6 lines 49-68 and col. 7 lines 1-9).

Regarding to claim 2, Kawashima teaches a method for adjusting the volume level of key tone in a cellular phone, comprising the steps of registering a first voice command for commanding the cellular phone to raise the key tone volume level; registering a second voice command for commanding the cellular phone to lower the key tone volume level; and raising or lowering the key tone volume level respectively in response to said first or said second voice

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command inputted to said cellular phone (see figs. 2, 6 A-D and 9, col. 1 lines 59-67, col. 6 lines 35-68 and col. 7 lines 1-9).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima (U.S. Patent No. 5,201,068).

Regarding to claim 3, Kawashima teaches a method for adjusting the volume level of communication voice in a cellular phone, comprising the steps of registering a first voice command for commanding the cellular phone to raise the volume level; registering a second voice command for commanding the cellular phone to lower the volume level; determining whether the cellular phone is in an "on" state for receiving communication when the first or the second voice command is inputted to the cellular phone; and raising or lowering the volume level of the cellular phone, respectively, in response to the first or the second voice command if the cellular phone is in the "on" state. Since Kawashima teaches the control volume associated to the volume adjustment for up and down of the volume when it is communicating, that is obvious to the "ON" state of communication (see figs. 2 and 9, col. 1 lines 53-67, col. 2 lines 9-27, col. 6 lines 49-68 and col. 7 lines 1-9).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima system with voice command associated volume control technique thereto in order to provide user to control the volume is easier.

Regarding to claim 4, Kawashima teaches a method for adjusting the volume level of communication voice and key tones in a cellular phone, comprising the steps of; registering a first voice command for commanding said cellular phone to raise the volume level; registering a second voice command for commanding the cellular phone to lower the volume level; determining whether the cellular phone is in an "on" state for receiving communication when said first or said second voice command is inputted to said cellular phone; raising or lowering the volume level respectively in response to said first or said second voice command if said cellular phone is in said "on" state; (see figs. 2, 6 A-D and 9, col. 1 lines 59-67, col. 6 lines 35-68 and col. 7 lines 1-9). Since Kawashima teaches a volume key for controlling volume, detecting a first or the second signal for control the volume for the increasing or decreasing on the "ON" state, and it is also working in the same way with the "Off" state of the communication, when the detection circuit is detecting the command signal for control the volume (see Abstract lines 2-10). This is obvious to the cellular phone is in a key tone adjustment mode if the cellular phone is not in the "on" communication state when the first or the second voice command is inputted to the cellular phone; and raising or lowering the volume level of the key tones.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima system with voice command associated volume

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control technique thereto in order to provide user to control the volume is easily when it is "OFF" communication state.

Regarding to claims 5 and 6, Kawashima teaches the step of registering the first voice and second voice command further comprises the steps of inputting the first voice and second voice command through a microphone; and storing the first voice and second voice command in a memory device (see figs. 2 and 9, on voice recognition section 380, voice volume controller 350, ROM 334, col. 3 lines 31-49, and col. 6 lines 4 lines 36-40).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marui (U.S. Patent No. 5,239,586) discloses voice recognition system used in telephone apparatus.

Meche (U.S. Patent No. 6,393,304) discloses method for supporting numeric voice dialing.

Stevens (U.S. Patent No. 5,420,860) discloses volume control for digital communication system.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314, (for Technology Center 2600 only)**

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*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703) 308-6732.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh  
Art Unit 2684  
Dec. 17, 2002

*Uhefr*  
*12/30/02*  
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